

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HARVEY H. JAY,

Plaintiff,

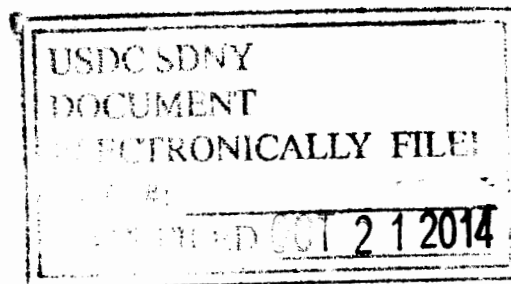
-v-

No. 13CV8137-LTS-DCF

SPECTRUM BRANDS HOLDING, INC. et al.,

Defendants.

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ORDER

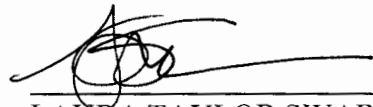
The parties are directed to be prepared to address the following proposed constructions of disputed claim terms at the October 22, 2014, Markman hearing.

#	<u>Disputed Claim Term</u>	<u>The Court's Proposed Construction</u>
1	"Temporarily"	"lasting for a limited period of time"
2	"Predetermined"	"selected prior to the relevant action"
3	"Total Energy"	"total amount of energy transmitted"
4	"Projecting Hair (Fibers)"	"hair (fibers) which are extending from the bulb of a hair follicle toward or beyond the surface of the skin"
7	"Prevent Hair Reappearance"	"prevent visible regrowth of previously treated hair"
8	"Prior to (a visible) Reappearance of Hairs on a Skin Surface"	"prior to visible regrowth of previously treated hair on a skin surface"
10	"Absorption of Light ... Resulting (in)" ("Temporary Removal of Hair From" or "Temporary Retardation of Hair Growth Along") a Skin Surface"	"Retention of impinging light leading to (elimination of hair from or reduction in the rate of hair extension along) a skin surface for a limited period of time"
11	"Maintain a Skin Surface Temporarily Free of Projecting Hair Fibers"	"maintain a skin surface free of projecting hair fibers for a limited period of time"
14	"Temporarily Preventing Hair Reappearance"	"preventing visible regrowth of previously treated hair for a limited period of time"
15	"Using said Device to Temporarily Remove Hair from said Skin Surface"	"using the referenced device to remove hair from the skin surface for a limited period of time"
16	"To Temporarily Prevent a Growth of Hair Through said Skin Surface"	"to prevent hair growth through the skin surface for a limited period of time"
17	"For the Temporary Removal of Hair"	"for hair removal for a limited period of time."

18	"Irradiating the Skin Surface in a First Treatment Session to Prevent Hair Reappearance; and Thereafter and Prior to a Reappearance of Hair Fibers along said Skin Surface Irradiating the Skin Surface in a Second Treatment Session to Prevent Hair Reappearance"	"Irradiating the Skin Surface in a First Treatment Session to Prevent Reappearance <b>of previously treated hair</b> ; and Thereafter and Prior to a Reappearance of Hair Fibers along said Skin Surface Irradiating the Skin Surface in a Second Treatment Session to Prevent Reappearance <b>of previously treated hair</b> "
20	"Generating a Predetermined Number of Pulses of Light"	"Generating a pre-selected number of pulses of light"
21	"Said Pulses Having ... a Total Energy all Predetermined"	"the total amount of energy transmitted through the pulses having been determined in advance"
25	"Prior to a Visible Reappearance of Hairs on said Skin Surface, again Generating Pulses of Light and Directing the Pulses Towards said Skin Surface"	"Prior to a Visible Reappearance of <b>treated</b> Hairs on said Skin Surface, again Generating Pulses of Light and Directing the Pulses Towards said Skin Surface"
27	"By Virtue of" ("Directing ... Light" or "Absorption of ... Light") "... Effectuating Removal of Projecting Hair Fibers From a Skin Surface"	"(Application of light or retention of light) leading to elimination from a skin surface of hair fibers which are extending from the bulb of a hair follicle toward or beyond the surface of the skin"
28	"By Virtue of ... Absorption of Light ... by Hair Fibers Below a Skin Surface" ("at Least Temporarily Retarding Hair Growth" or "Severing or Damaging the Hair Fibers")	"Retention of light leading, at one or more portions of hair fibers situated beneath the exterior of a skin surface, to impairment for ("at least a limited period of time of the rate of hair growth" or "severance or damage of the hair fibers")

SO ORDERED.

Dated: New York, New York  
October 21, 2014

  
LAURA TAYLOR SWAIN  
United States District Judge